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5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**
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8 DETH MAN,

9 Petitioner,

10 vs.

11 MICHAEL CHERTOFF, SECRETARY OF
12 THE DEPARTMENT OF HOMELAND
13 SECURITY, MICHAEL MUKASEY,
14 ATTORNEY GENERAL, ROBIN F.
15 BAKER DIRECTOR OF SAN DIEGO
16 FIELD OFFICE, U.S. IMMIGRATION AND
17 CUSTOMS ENFORCEMENT, JOEL
18 MATA, OFFICER-IN-CHARGE,

19 Respondents.

CASE NO. 08cv745 IEG (AJB),

**ORDER GRANTING MOTION
FOR APPOINTMENT OF
COUNSEL**

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21 Petitioner has submitted a Petition for Writ of Habeas Corpus pursuant to 22 U.S.C. § 2241,
22 together with a motion for appointment of counsel pursuant to 28 U.S.C. § 3006A. Section
23 3006A(a)(2)(B) provides that counsel may be appointed for an impoverished habeas petitioner
24 “whenever the court determines that the interests of justice so require.”

25 The Supreme Court has held that a post-removal detention exceeding six month is
26 presumptively unreasonable. See Zadvydas v. Davis, 533 U.S. 678, 701 (2001). Petitioner was
27 ordered removed to Cambodia in October of 2007 and was in Respondents’ custody until May 19,
28 2008—a period longer than the presumptively reasonable time.

Respondents have filed notice of Petitioner’s release under conditions of supervision. (Doc.
No. 4.)

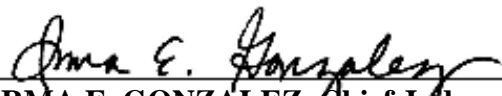
While Petitioner’s release substantially abates the controversy, the Court concludes aid of
counsel remains necessary to assist Petitioner in negotiating any dismissal of this action with

1 Respondents.

2 Based on the foregoing, the Court concludes that the interests of justice require appointment
3 of counsel. Therefore, the Court **GRANTS** Petitioner's request and appoints Janet Tung of the
4 Federal Defenders of San Diego, Inc. as counsel for the purpose of representation in this habeas
5 action.

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7 **IT IS SO ORDERED.**

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9 **DATED: July 9, 2008**

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11 **IRMA E. GONZALEZ, Chief Judge**
12 **United States District Court**
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